



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

DEC 19 2014

CERTIFIED MAIL NO. 7010 1670 0000 7048 0227

RETURN RECEIPT REQUESTED

Mr. Marco Gomez
President & CEO
Drake Cement LLC
5745 N. Scottsdale Rd., Suite B-135
Scottsdale, Arizona 85250

Dear Mr. Gomez:

According to information available to Region IX of the United States Environmental Protection Agency ("EPA"), Drake Cement LLC ("Drake") owns a portland cement plant located near Paulden, Arizona (the "Facility"). The Facility is subject to requirements promulgated under the authority of the Clean Air Act (the "Act" or "CAA"), U.S.C. §§ 7401-7671q. EPA requires that Drake submit the following information and documents concerning the Facility to EPA in order for EPA to investigate compliance by the Facility with CAA requirements:¹

1. A detailed narrative description of the process lines from introduction of raw material sequentially through disposition of products, describing each unit which produces air emissions and each air emissions control unit, in relation to the process. In the narrative, describe the function of each unit and describe the chemical or physical process occurring at each stage of the process. Also provide a schematic of the Facility, and provide a legend to tie this schematic to the narrative description for the process lines.
2. The date of *startup*², as defined at 40 C.F.R. Part 63.2, of the cement kiln ("Kiln") at the Facility.
3. Provide a table in electronic³ format that includes the following data for the Kiln at the Facility for the period from March 1, 2010 to the date of this letter. For any gaps in data, indicate whether the Kiln was operating or not and why there is a gap in the data.
 - a. Total hourly production of clinker (in short tons);
 - b. Total hourly three-hour rolling average production of clinker (in short tons);

¹ The conjunction "or" is at all times used in the inclusive sense in this letter, i.e., a request that refers to one or more items shall include each and every one of those same items.

² *Startup* means the setting in operation of an affected source or portion of an affected source for any purpose.

³ The electronic data requested in this request must be provided in editable Excel format, and not in image format. If Excel format is not available, then the format should allow for data to be used in calculations by a standard Excel spreadsheet program.

- c. Total hourly mass of raw material feed to the Kiln (in short tons);
 - d. Daily hours of operation of the Kiln.
4. A description of how the mass of clinker produced is calculated. Include with your response all assumptions, including calcination factors, used by Drake.
 5. Based on data from the continuous emissions monitoring system, provide a table in electronic format that includes the following data for each day from March 1, 2010 to the date of this letter for the process line at the Facility:
 - a. Hourly emissions in pounds per ton of clinker for the following pollutants: NO_x, SO₂, CO, VOCs and PM.
 - b. A description of the source of the data and methodology used in calculating item 5.a.
 6. Copies of all Notices of Violation (NOV) issued by the Arizona Department of Environmental Quality ("ADEQ") to Drake.
 7. Copies of all correspondence between Drake and ADEQ related to any NOV issued by ADEQ.
 8. State whether (i) the Facility is an area source or major source, as defined at 40 C.F.R. § 63.2, of Hazardous Air Pollutants; and (ii) and whether the area source or major source requirements of 40 C.F.R. Part 63, Subpart LLL, 40 C.F.R. §§ 63.1340-58 apply to the Facility. Also, respond to the following for the Facility:
 - a. provide copies of all past calculations of potential to emit for each hazardous air pollutants (HAP) for the facility;
 - b. state whether the device(s) to record the temperature of the exhaust gases from the Kiln at the Facility is installed, calibrated, maintained and continuously monitored, as required by 40 C.F.R. § 63.1350(f), and identify the number of devices currently operating and the dates that each was installed, calibrated, and initially operated;
 - c. state whether the Facility has submitted all reports, as required by 40 C.F.R. § 63.1354, to ADEQ or EPA, and identify when reports have been submitted, which reports were submitted, and to whom they were submitted;
 - d. submit copies of all performance tests for dioxins and furans (D/F) emissions as required by 40 C.F.R. § 63.1349 and all copies of reports identified in 8.c above, but not yet submitted to EPA;
 - e. if the temperature monitoring in request 8.b is not being performed, the testing in 8.d is not being performed or reported, or the reports in 8.c above have not been submitted to ADEQ or EPA, explain your reasons for not doing so; and
 - f. provide a copy of any emissions monitoring plans developed for the Facility, including but not limited to an opacity emissions monitoring plan, for purposes of 40 C.F.R. § 63.150, and identify if and when it was submitted to a regulatory agency and identify the agency.

9. In chart format, identify by date and time, all blasts of explosives in the Facility's quarry, including the tons of Ammonium Nitrate/Fuel Oil ("AN/FO") per blast, from March 1, 2010 to the date of this letter.
10. Identify the dates of inspection of the devices monitoring and recording the pressure drop across each dust collector at the Facility since March 1, 2010 to the date of this letter, and describe any findings of the inspection, along with any corrective action or cleaning that resulted from the inspection.
11. Provide a copy of any corrective action plans developed for malfunctions or violations at the Facility, and state if and when it was submitted to a regulatory agency as well as identify the agency.
12. Identify the date and specific location of any paving of roads that have occurred within the "Cement Plant Process Area Boundary", as defined in the Facility's Permit No. 53336 - Attachment B, Section VI.B.2.a, Since March 1, 2010. Identify any roads within this area that currently remain unpaved.
13. Identify the following in regard to the wetting and/or vacuuming of paved roads within the "Cement Plant Process Area Boundary":
 - a. The number, type, and date of purchase of any watering and vacuum trucks used to wet and/or vacuum the roads. If the Facility does not use its own truck(s) for these purposes, the identification and contractual arrangement of other truck(s) used for these services.
 - b. Copies of records since January 1, 2014 documenting the wetting and/or vacuuming of paved roads within the "Cement Plant Process Area Boundary."
 - c. Identification of any days since January 1, 2014 where any of the paved roads within the "Cement Plant Process Area Boundary" were either not wetted or vacuumed, the specific identification of the road not wetted and/or vacuumed, and the reason why it was not wetted and/or vacuumed.
14. Identify the dates of inspections and/or calibrations of each thermocouple and other temperature sensor at the Facility since March 1, 2010, and describe the findings and the nature of any calibration performed.
15. Provide copies of raw temperature data for Baghouse BH-5.30 from March 1, 2010 to the date of this letter, and describe the reporting interval for the temperature reading.
16. Provide the following information regarding monitoring of the pressure drop across Baghouses BH-5.3 and BH-10.13:
 - a. A full description of the current system(s) for recording and storing pressure drop data, along with any problems with this system identified in the past five years and how those were fixed;
 - b. Identification for any periods since March 1, 2010 to the date of this letter when the pressure drop across either Baghouse was outside the range of 2-8 inches H₂O, and a

description of any corrective action taken along with copies of any corrective action reports;

17. Provide a table in an electronic table format with the following in regard to the unloading of material at the Receiving Hopper from March 1, 2010 to the present:
 - a. the amount of material unloaded on an hourly basis from railroad cars in tons;
 - b. the amount of material unloaded on an hourly basis from trucks in.
18. Provide copies of monthly records or logs of engine operation at the Facility as required by Permit 53336- Attachment B, Section V.F.2 created since January 1, 2014 to the present.

In responding to this information request, if Drake seeks to withhold any document(s) based on a claim of attorney-client communications privilege or the attorney work product doctrine in its response to this information request, Drake must provide with its response a privilege log for each document containing the following information: (i) the date, author(s), every individual to whom the document was originally sent, every individual who subsequently acquired the document, the purpose for which the document was sent to or obtained by those individuals, and the employment titles of the authors and recipients; (ii) the subject matter of the document; (iii) the privilege claimed for the document and all facts supporting the claim of privilege; (iv) the primary purpose(s), including any business purposes, for which the document was made; (v) the question(s) in this information request to which the document is responsive to; and (vi) all facts contained in the document that are responsive to a question in this information request.

Drake must submit its response to this request postmarked no later than 30 (thirty) days from your receipt of this letter. The Drake response must be signed by a responsible corporate official of Drake. Please be advised that the information provided by Drake may be used by the United States in administrative, civil, or criminal proceedings.

If Drake anticipates that it will not be able to respond fully to this request within the time period specified, Drake must submit a sworn declaration by a responsible corporate official within ten (10) calendar days after receipt of this letter specifying what information will be provided by the allotted deadline, describing what efforts that have been/are being undertaken to obtain the remaining other responsive information, and providing a detailed schedule of when such other responsive information will be provided. Upon receipt and based upon such declaration, EPA may extend the time in which to respond to this information request. Also, please contact EPA if determines that a full response to a particular request for information would require the submission of an extremely large number amount of documents to be provided in response. Based upon such notification, EPA may modify the scope of the documents required to be produced.

Indicate on each document produced in response to this information request, or in some other reasonable manner, the number of the paragraph to which it corresponds. To the extent that a responsive document has been previously submitted to EPA, such document need not be resubmitted. All documents produced shall be Bates stamped, or have an electronic Bates number inserted on each page.

Drake must provide copies of all responsive documents as searchable PDF files, and submit the responsive documents on a disk (CD or DVD media) along with a cover-letter that includes Drake's written responses to the requests via certified mail with return receipt requested to the following address:

Ms. Kathleen H. Johnson
Director, Enforcement Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Attn: Charles Aldred (ENF-2-1)

Drake shall sequentially date stamp each page of the response, and provide the responsive documents organized into files corresponding to each particular request and labeled accordingly.

Please be advised that under Section 113(a) of the Act, failure to provide the information and documents required by this letter may result in an order requiring compliance, an order assessing an administrative penalty, or a civil action for appropriate relief. Section 113(b) of the Act provides for the assessment of a civil penalty of \$37,500 per day for each violation of the Act. In addition, Section 113(c) of the Act provides criminal penalties for knowingly making any false material statement in, or omitting material information from, any report required under the Act.

You may, if you desire, assert a business confidentiality claim on behalf of Drake covering part or all of the information provided to EPA in response to this letter. Any such claim for confidentiality must conform to the requirements set forth in 40 C.F.R. Part 2, particularly § 2.203, and contains substantiating documentary evidence. You are advised that certain information may be made available to the public pursuant to 42 U.S.C. § 7414(c) and 40 C.F.R. § 2.301, notwithstanding a claim that such information is entitled to confidential treatment. If no claim of confidentiality is received with your reply, the information may be made available to the public without notice to Drake.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§ 3502(4) & (11), 3507, 3512 and 3518. Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §§ 3502(4), (11); 5 C.F.R. § 1320.5(a).

If you have any questions regarding this request, please contact Charles Aldred, Air Section, at (415) 972-3986, or your attorney can contact, Ivan Lieben, Office of Regional Counsel, at (415) 972-3914. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen H. Johnson', written in a cursive style.

Kathleen H. Johnson
Director, Enforcement Division

Enclosure:

cc: Mr. Eric Massey, Director
Air Quality Division, ADEQ

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.